

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NICHOLAS CRAIG BRUNSVIK,

Plaintiff,

v.

ERIC MAGRINI, *et al.*,

Defendants.

Case No. 2:21-cv-00973-WBS-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On October 6, 2021, I screened plaintiff's first amended complaint pursuant to 28 U.S.C. § 1915A. ECF No. 6. I notified plaintiff that he could proceed with his viable due process claim against defendants Johnson, Marlar, and South, but that his remaining claims were not cognizable. *Id.* at 3-4. I therefore ordered plaintiff, within sixty days, either to file an amended complaint or to notify the court that he wishes to proceed only with his due process claim. Plaintiff failed to comply with that order. Accordingly, on December 28, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed both for failure to prosecute and failure to comply with court orders. ECF No. 8. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to

1 comply with the December 28 order would result in a recommendation that this action be  
2 dismissed.<sup>1</sup> *Id.*

3 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise  
4 responded to the December 28, 2021 order. Accordingly, it is hereby RECOMMENDED that:

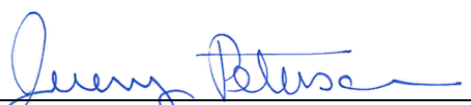
5 1. This action be dismissed for failure to prosecute and for failure to comply with court  
6 orders.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, any party may file written  
11 objections with the court and serve a copy on all parties. Such a document should be captioned  
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
13 objections shall be served and filed within fourteen days after service of the objections. The  
14 parties are advised that failure to file objections within the specified time may waive the right to  
15 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17  
18 IT IS SO ORDERED.

19  
20 Dated: February 2, 2022

  
21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26

27 <sup>1</sup> Although it appears from the file that plaintiff’s copy of the December 28, 2021 order  
28 was returned, plaintiff was properly served. Pursuant to Local Rule 182(f), service of documents  
at the record address of the party is fully effective.